REMARKS

Introduction

Claims 1-8 are pending in this application, with claim 1 being independent. Claim 1 has been amended to correct informalities in the claim language and to more clearly define the claimed subject matter. Support for the amendment is found, for example, at page 11, line 21 to page 12, line 8 of the specification and FIG. 5. Specifically, the portion "…With this setting, program installation processing SD1 is not performed any more at the time of boot-up of the secure LSI device 1. At the end of program installation processing SD1, the program common key stored in the secure memory 10 and the program Enc (program, program common key) stored in the external memory 100 are deleted (SD1A and SD1B)" discloses the feature "the inherent ID is implemented before the program update." No new matter has been entered.

For the reasons set forth below, Applicants respectfully submit that all pending claims as amended are patentable over the cited prior art.

Claim Rejections – 35 U.S.C. § 112

Claims 1-8 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner asserts the term "inherent ID," although supported by FIG. 1 of the instant application, is not shown or described to be <u>identical</u> to the LSI device ID.

Applicants respectfully submit that the reference numeral 1 of FIG. 1 of the present application refers to the LSI device, which includes as one of its components an inherent ID set inside the inherent ID storage register included in the private key arithmetic processing section 20 (see, page 6, line 23 to page 7, line 4 of the specification). As such, it is clear that the

inherent ID stored in the register is the ID of the LSI device 1. Accordingly, Applicants

respectfully request that the Examiner withdraw the rejection of claims 1-8.

Claim Rejections – 35 U.S.C. § 103

Claims 1 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S.

Patent Number 7,110,984 ("Spagna") in view of U.S. Patent Number 6,970,565 ("Rindsberg").

Claims 2, 4, 6, and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Spagna

in view of Rindsberg, and further in view of U.S. Patent Number 6,577,734 ("Etzel"). Claims 3

and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Spagna in view of

Rindsberg and Etzel, and further in view of U.S. Patent Application Publication Number

2002/0116632 ("Itoh"). Applicants respectfully traverse these rejections for at least the

following reasons.

The Examiner asserts that Spagna discloses a unique Device ID (Identification of the

End-User Device), referring to col. 48, lines 16-40 of Spagna. Applicants respectfully submit

that the Device ID of Spagna is not used for the identification and the generation of an inherent

key. The portion the Examiner cited states "[t]he following information is typically logged by

the Clearinghouse(s) 105 for a License SC(s) 660.... Identification of the End-User Device(s)

109" (see, col. 48, lines 16-40) but fails to disclose whether the Identification of End-User

Device(s) is in fact used for the identification of the Device and the generation of an inherent key.

Similarly, col. 26, lines 36-55 fails to disclose whether the Identification of End-User Device(s)

is in fact used for the identification of the Device and the generation of an inherent key.

Further, in Fig. 6 of Spagna, Content ID, Application ID and User Information are

included in elements 101, 551 and 660, respectively. The End User Device, which allegedly

corresponds to an LSI device of the present application, is supplied with the Content ID, Application ID and User Information from the outside.

As such, it is clear that, at a minimum, Spagna fails to disclose the above discussed limitations of claim 1. None of the other cited references cure the deficiencies of Spagna. Thus, none of the combinations of the cited references render claim 1 obvious.

Furthermore, under Federal Circuit guidelines, a dependent claim is non-obvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.,* 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as independent claim 1 is patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon (claims 2-8) are also patentable.

Conclusion

Having fully responded to all matters raised in the Office Action, Applicants submits that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicant's attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Michael E. Fogarty
Registration No. 36,139

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 MEF:TS:MaM
Facsimile: 202.756.8087
Date: December 29, 2008

Please recognize our Customer No. 53080 as our correspondence address.

8